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Paper 1  
DECLARED 17 June 2010

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,754 (RT)  
(From Technology Center 1600)

COMMONWEALTH SCIENTIFIC AND  
INDUSTRIAL RESEARCH ORGANISATION  
(11/364,183),  
Junior Party,

v.

CARNEGIE INSTITUE OF WASHINGTON  
and the University of Massachusetts  
(6,506,559 and 7,622,633),  
Senior Party.

DECLARATION  
Bd.R. 203<sup>1</sup>

By RICHARD TORCZON, *Administrative Patent Judge*.

A. DECLARATION OF INTERFERENCE

An interference is declared pursuant to 35 U.S.C. 135(a) between the junior party (CSIRO) and the senior party (Carnegie). Details of the

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<sup>1</sup> "Bd.R. x" may be used to abbreviate "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

application, patent, count, and claims designated as corresponding to the count appear under headings E and F.

#### B. DESIGNATION TO MANAGE

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd.R. 104(a).

#### C. STANDING ORDER

A copy of the Standing Order (SO, Paper 2) accompanies this declaration. The Standing Order applies to this contested case.

#### D. CONFERENCE CALL TO SET DATES

A telephone conference call to set dates for action in this contested case is scheduled for **10 a.m. (Eastern) on 11 August 2010**. (The Board will initiate the call.) No later than **9 August 2010**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd.R. 120; Bd.R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the Standing Order. The parties are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. A party requesting more or less time should be prepared to justify the request.

## E. THE PARTIES TO THIS INTERFERENCE

### *Junior Party*

Application: 11/364,183, filed 1 March 2006

Title: Methods and means for obtaining modified phenotypes

Inventors: Peter Michael Waterhouse of Canberra, Ming-Bo Wang of Kaleen, and Michael Wayne Graham of Jindalee, all of Australia

### *Senior Party*

Patents: 7,622,633, granted 24 November 2009  
6,506,559, granted 14 January 2003

Title (both): Genetic inhibition by double-stranded RNA

Inventors (both): Andrew Fire of Baltimore, Maryland; Stephen Kostas of Chicago, Illinois; Mary Montgomery of St. Paul, Minnesota; Lisa Timmons of Lawrence, Kansas; SiQun Xu of Ballwin, Missouri; Hiroaki Tabara of Shizuoka, Japan; Samuel E. Driver of Providence, Rhode Island; and Craig C. Mello of Shrewsbury, Massachusetts

## F. COUNTS AND CLAIMS OF THE PARTIES

### *Count 1*

The method of application 11/364,183 claim 52 or patent 6,506,559 claim 7.

The claims of the parties are:

CSIRO: 39, 41-44 and 46-106

Carnegie: '559-1-22  
'633-1-3

The claims corresponding to Count 1:

CSIRO: all

Carnegie: '559-1-5, 7, 10-12, 15, 16 and 18-21  
'633-all

The claims not corresponding to Count 1:

Carnegie: '559-6, 8, 9, 13, 14, 17, and 22

The benefit accorded for Count 1:

CSIRO: 11/364,183, filed 1 March 2006;  
10/755,328, filed 13 January 2004;  
09/287,632, filed 7 April 1999;  
60/198,254, filed 3 August 1998; and  
60/198,240, filed 8 April 1998

Carnegie: 10/283,267, filed 30 October 2002;  
09/215,257, filed 18 December 1998; and  
60/068,562, filed 23 December 1997

**G. HEADING TO BE USED ON PAPERS;  
EXHIBIT NUMBERS**

Addendum 1 provides the heading that shall be used on all papers filed in the contested case. See SO ¶ 106.1.1.

The ranges of exhibit numbers are assigned as follows

(Bd.R. 154(c)(1); SO ¶ 154.2.1):

Carnegie: 1001-1999.

CSIRO: 2001-2999.

**H. ORDER FORM FOR REQUESTING FILE COPIES**

When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite processing of the request. Please attach a copy of Parts E

and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Attachment: None.<sup>2</sup>

Enclosure: Copy of Standing Order (Paper 2)

cc:

Christopher L. North, BUCHANAN INGERSOLL & ROONEY PC, of Alexandria, Virginia, for junior party.

MORGAN, LEWIS & BOCKIUS LLP, Washington, D.C., for senior party.

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<sup>2</sup> For a United States patent or published application listed in this paper, see <http://patft.uspto.gov/>; see also <http://portal.uspto.gov/external/portal/pair> for prosecution histories available to the public.

**ADDENDUM 1: PAPER HEADING**

Filed on behalf of: [Name of Party] Paper No. [Leave blank]

By: [Name of lead counsel]  
Name of backup counsel  
Street address  
City, State, and ZIP Code  
Tel:  
Fax:

]

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**TITLE OF PAPER**

**ADDENDUM 2: FILE COPY REQUEST**  
**Patent Interference No. 105,754**

Attach a copy of sections E and F of this declaration to this request.

On the copy, circle each patent and application that you are requesting.

Include the information indicated below to facilitate processing of this request.

**Charge fees to:**

1. USPTO Deposit Account No. \_\_\_\_\_
2. Complete delivery address, including street, city, state, ZIP code:  
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3. Telephone, including area code:  
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